

COMMISSIONER MEETINGS
All meetings take place in the Commissioners Conference Room (3107)
located in the Stillwater Building @ 316 North 26th Street (3rd Floor)
and are open to the public unless otherwise noted

MONDAY - April 20, 2020

MEETING UPDATE

In response to recent public health concerns surrounding COVID-19, Board of County Commissioner meetings will be held in a different format. Meetings may include virtual video conferencing to comply with social distancing guidelines.

In an effort to honor your right to participate and allow for public comment we have set up a conference call line. **Please dial (866) 876-1424, follow the prompts, and use access code 6002703#.**

The public may comment during the specific public comment periods listed on the agenda. Please have your phone set to "mute" until the public comment period is open.

If you have questions please contact the B.O.C.C. office at (406) 256-2701 or the Clerk and Recorder at (406) 256-2787.

8:30 Department Meetings

- 1. Department Head Meeting - MetraPark**
- 2. Human Resources**
 - a. Families First Coronavirus Response Act - Emergency Responders
 - b. Emergency Services Reporting Structure and Job Description
 - c. BOCC Office Staff Job Description
- 3. Facilities**
- 4. Finance**
- 5. Legal/Litigation**
 - a. **Closed:** Litigation Strategy

2:00 COMMISSIONERS DISCUSSION

DEPARTMENTS

- 1. Disaster and Emergency Services & Unified Health Command - COVID19 Update**
- 2. Clerk and Recorder-Jeff Martin - County Owned Vacant Lot Located in Galaxy Subdivision, Lot 19, Block 5.**

COMMISSIONERS

- 1. Keebler Ranch Property Request**
- 2. Commissioner Boards Report**

PUBLIC COMMENTS ON COUNTY BUSINESS

TUESDAY – April 21, 2020

9:00 Agenda Setting

9:30 COMMISSIONERS BOARD MEETING

B.O.C.C Monday Discussion

2. a.

Meeting Date: 04/20/2020

Title: H.R.

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Families First Coronavirus Response Act - Emergency Responders

BACKGROUND:

Discussion.

RECOMMENDED ACTION:

Discussion.

Attachments

Families First Coronavirus Response Act

To: Department Heads and Elected Officials

From: Board of County Commissioners

Date: April 16, 2020

Re: Families First Coronavirus Response Act (FFCRA or Act)

Working from Home

- A. Per Department Head approval, working from home is considered hours worked. Effective April 16, 2020 department heads and elected officials must submit a list of employees working from home to the Board of County Commissioners (Erica Wiley) and Human Resources (Time and Attendance) on the 1st and 16th of each month.

Emergency Paid Sick Leave Act (EPSLA and referred to as Emergency Sick Leave - limited to two weeks 80 hour maximum).

- A. All full time and part time Yellowstone County employees in an active assignment status are eligible for EPSLA unless otherwise excluded. There is no waiting period for EPSLA.

The Families First Coronavirus Response Act (FFCRA) provisions that allow employers of “health care providers” and “emergency responders” to exclude such employees from the FFCRA’s emergency sick leave and expanded FMLA provisions.

To ensure essential services are operational, effective April 16, 2020 Yellowstone County has determined the following emergency responders are not eligible for emergency sick leave or emergency family and medical leave expansion act. All other FMLA requirements still apply.

- Emergency Management personnel
- Sheriff Office employees
- Detention Facility employees
- Youth Services employees
- Facility/Maintenance employees
- Road and Bridge employees
- Other positions on a case by case basis needed to maintain Yellowstone County operations

The Board's thanks goes out to all those on the front lines and all Yellowstone County employees.

Under the FFCRA, an employee qualifies for emergency paid sick leave if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. *(A shelter in place order does not qualify as a quarantine or isolation order in regard to COVID-19)*
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to a quarantine or isolation order as described in (1), above, or has been advised as described in (2), above.
- (5) The employee is caring for a son or daughter, under age 18, whose school or place of care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions. The definition of a child is the same as defined by FMLA.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick. These people may have been exposed to a disease and do not know it, or they may have the disease but do not show symptoms.

Isolation separates sick people with a contagious disease from people who are not sick

Please Note: If you do not qualify for any of the criteria noted in (1) through (6) above, your absence will be counted as sick leave, vacation leave or leave without pay depending on the circumstances.

Calculation of Pay

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).

Full-time employees are entitled to two weeks (80 hour max) of emergency paid sick leave and part-time employees are entitled to the typical number of hours that they work in a typical two-week period. There will be a pay code in the time and attendance called emergency sick leave where the hours will be recorded (i.e., similar to regular sick leave or vacation leave).

Emergency Family and Medical Leave Expansion Act

The Act also temporarily amends the Family and Medical Leave Act (FMLA) to provide employees who have been on the job for at least 30 days with the right take up to 12 weeks of job-protected leave for Public Health Emergency Leave.

Under Emergency FMLA, the act expands coverage of FMLA by adding a new qualifying reason:

- (1) Absence from work to care for a child of an employee, if the child's school or place of care has been closed, or the child-care provider is unavailable, due to a public health emergency due to coronavirus as an FMLA event.

To qualify for Emergency FMLA Leave, an employee must be unable to work or telework due to a need to care for the son or daughter under 18 years of age because the child's school or place of care has been closed, or the childcare provider of such son or daughter is unavailable, due to a public health emergency. A "public health emergency" is defined to mean "an emergency with respect to COVID-19 declared by a Federal, State, or local authority." Note that an employee must provide advance notice as soon as practicable of a need for leave under this temporary provision when the need for leave is foreseeable.

Intermittent EFMLA leave may be allowed but needs to be taken in full day increments.

The first ten days of leave may be in the form of Emergency Paid Sick Leave or an employee may choose to substitute accrued vacation leave, personal leave, or other medical/sick leave during this period, but an employer may not require an employee to do so. An employee may also take unpaid leave for the first ten days.

After ten days of leave, employers must continue paid Emergency FMLA, for the care of child under age 18, at a rate of no less than two-thirds of the employee's usual rate of pay. The Act limits the amount of required paid leave to no more than \$200 per day.

Emergency Leave exhausted or first responders excluded from the act.

- (1) May use sick leave, vacation time or comp time depending on the situation
- (2) Leave without pay

B.O.C.C Monday Discussion

2. b.

Meeting Date: 04/20/2020

Title: H.R,

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Emergency Services Reporting Structure and Job Description

BACKGROUND:

Discussion.

RECOMMENDED ACTION:

Discussion.

B.O.C.C Monday Discussion

2. c.

Meeting Date: 04/20/2020

Title:

Submitted By: Teri Reitz, Board Clerk

TOPIC:

BOCC Office Staff Job Description

BACKGROUND:

Discussion.

RECOMMENDED ACTION:

Discussion.

B.O.C.C Monday Discussion

5. a.

Meeting Date: 04/20/2020

Title: Closed: Litigation Strategy

Submitted By: Erica Wiley

TOPIC:

Closed: Litigation Strategy

BACKGROUND:

n/a1

RECOMMENDED ACTION:

Discuss

B.O.C.C Monday Discussion

1.

Meeting Date: 04/20/2020

Title: COVID19 Update

Submitted By: Erica Wiley

TOPIC:

Disaster and Emergency Services & Unified Health Command - COVID19 Update

BACKGROUND:

n/a

RECOMMENDED ACTION:

Discuss

B.O.C.C Monday Discussion

2.

Meeting Date: 04/20/2020

Title: Vacant Lot Galaxy Subd.

Submitted For: Jeff Martin, Clerk And Recorder

Submitted By: Jeff Martin, Clerk And Recorder

TOPIC:

Clerk and Recorder-Jeff Martin - County Owned Vacant Lot Located in Galaxy Subdivision, Lot 19, Block 5.

BACKGROUND:

This is adjacent to 1019 Neptune, the location of the former Tumbleweed House.

RECOMMENDED ACTION:

Consider declaring the vacant lot surplus property, establish a market value, hold a public auction to sell the property.

B.O.C.C Monday Discussion

1.

Meeting Date: 04/20/2020

Title: Les Keebler Request

Submitted By: Erica Wiley

TOPIC:

Keebler Ranch Property Request

BACKGROUND:

see attached

Added this item 4/16/20 at the request of Commissioner John Ostlund.

RECOMMENDED ACTION:

Discuss

Attachments

Keebler Ranch Request

Yellowstone County Commissioners
RECEIVED

Keebler Ranch, LLC

Les Keebler
3125 Ave. F
Billings, MT 59102

APR 14 2020

Telephone 406-652-3386

E Mail: radonbusters@msn.com

April 13, 2020

Yellowstone County Commissioners

RE: Keebler Ranch property - Cottonwood Creek Road
T25S-R4E Section 20

As per a Mark English 5/2019 e-mail memo to me (backed with a supporting memo by Engineer Swenson) the County's historical claim on the roadway through my property is "prescriptive".

At issue is whether the road on my property has ever been formally claimed by the Commission to be a county road. Traditionally, the Yellowstone County Commission has refused to accept roads uneasemented or undedicated into its' road system. And it has also long been legally established by the State Supreme Court that to be a County road, a County Commission must directly vote on and formally accept a road through any property ... or it isn't a County road.

I am asking the Commission to review it's Commission meeting records and establish as to whether the road through my property was ever officially presented, voted on, and formally accepted by the Commission as a County road and if so, present those details. **Is it a County road?**



Les Keebler
Manager/Owner
Keebler Ranch, LLC

B.O.C.C Monday Discussion

2.

Meeting Date: 04/20/2020

Title: Commissioner Boards Report

Submitted By: Erica Wiley

TOPIC:

Commissioner Boards Report

BACKGROUND:

n/a

RECOMMENDED ACTION:

Discuss
